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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/606,582	06/29/2000	Michael A. Falco	104108-0014	7601

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EXAMINER	
TRAN, THAI Q	

ART UNIT	PAPER NUMBER
2616	

DATE MAILED: 12/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/606,582	FALCO, MICHAEL A.	
	Examiner	Art Unit	
	Thai Tran	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 September 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *29 June 2000* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Please include the new Art Unit 2616 in the caption or heading of any written or facsimile communication submitted after this Office Action because the Examiner, who was assigned to Art Unit 2615, will be assigned to new Art Unit 2616. Your cooperation in this matter will assist in the timely processing of the submission and is appreciated by the Office.

Response to Arguments

2. Applicant's arguments filed Sept. 07, 2004 have been fully considered but they are not persuasive.

In re pages 9-10, applicant argues that combining the teachings of Le relating to a procedure for compressing/decompressing packet headers with the teachings of Agraharam relating to including metadata that is useful for indexing in a packet does not teach or suggest the current invention, because, inter alia, the combination does not teach or suggest storing in a persistent medium stored packets that respectively consist of the payloads of RTP packets and also stored RTP timestamps, which are derived from the RTP timestamps contained in the headers of the RTP packets as set forth in independent claims 1, 8, 13, and 20 as the claims that depend therefrom.

In response, the examiner respectfully disagrees. The examiner has pointed out what each of the prior art references teaches and has indicated how and why these references would have been combined to arrive at the claimed invention. Applicant cannot show non-obviousness by attacking the references individually where, as here, the rejection is based on a combination of references. In re Keller, 642 F.2d 413, 208

USPQ 871 (CCPA 1981). As discussed in the last Office Action, Le discloses the claimed generating RTP timestamp derived from the corresponding received RTP packet's received RTP timestamp (col. 29, lines 7-20) and does not specifically disclose the claimed storing in a persistent medium a stored record as stored packets of which each corresponds to a respective one of the received RTP packets. Agraharam et al teaches that RTP packets can be stored and later retrieved on demand (page 2, paragraph #0025). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the capability of storing the RTP packets as taught by Agraharam et al into Le's system in order to store the RTP packets and later retrieve on demand. Agraharam et al cited only to suggest the capability of storing RTP packets. A reference must be considered not only for what it expressly teaches, but also for what is fairly suggests. In re Burckel, 592 F.2d 1175, 201 USPQ 67 (CCPA 1979). The artisan is presumed to know something about the art apart from what references literally disclose. In re Jacoby, 309 F.2d 513, 135 USPQ 317 (CCPA 1962). The superior of storing RTP packets for later retrieving on demand as taught by Agraharam et al is all that would be needed to motivate the artisan to store the RTP packets of Le.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Le (US 6,300,887 B1) in view of Agraharam et al (US 2001/0042114 A1) as set forth in the last Office Action.

Regarding claim 1, Le discloses a method for compressing header of the RTP packets (Fig. 2) comprising:

receiving RTP packets (terminal 102 of Fig. 2, col. 17, lines 8-24), of which each includes a received RTP payload and a respective received RTP timestamp; and

compressing RTP timestamp derived from the corresponding received RTP packet's received RTP timestamp (col. 29, lines 7-20). However, Le does not specifically disclose the claimed receiving a received record and, in response to the received record, storing in a persistent medium a stored record as stored packets of which each corresponds to a respective one of the received RTP packets.

Agraharam et al teaches that RTP packets can be stored and later retrieved on demand (page 2, paragraph #0025).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the capability of storing the RTP packets as taught by Agraharam et al into Lee's system in order to store the RTP packets and later retrieve on demand.

Regarding claim 2, Le also discloses the claimed wherein the stored RTP timestamp in each stored packet equals to the received RTP timestamp contained in the respective received RTP packet (col. 29, lines 7-20).

Regarding claim 3, Agraharam et al teaches the claimed wherein the format of the stored packet is that of the corresponding received RTP packet (page 2, paragraph #0025).

Regarding claim 4, Agraharam et al teaches the claimed wherein:

the received and stored records contain audio data (page 2, paragraph #0025); and

the method further includes retrieving the stored record and playing it in accordance with the stored timestamps contained therein (page 2, paragraph #0032).

Regarding claim 5, Agraharam et al discloses the claimed wherein:

the received and stored records contain video data (page 2, paragraph #0032); and

the method further includes retrieving the stored record and playing it in accordance with the stored timestamps contained therein (page 2, paragraph #0032).

Regarding claim 6, Le discloses the claimed wherein the method additionally includes:

receiving a second received record in second RTP packets containing audio data, each second RTP packet including a received RTP payload and a respective received RTP timestamp (terminal 102 of Fig. 2, col. 17, lines 8-24 and col. 30, lines 13-26); and

compressing RTP timestamp (col. 29, lines 7-20) and Agraharam et al teaches that the second RTP packets can be stored and later retrieved on demand (page 2, paragraph #0025); retrieving the second stored record (page 2, paragraph #0032); and

playing the second stored record simultaneously with the first-mentioned stored record in accordance with the stored timestamps contained in the second stored record (page 2, paragraph #0032).

Regarding claim 7, Agraharam et al teaches the claimed retrieving the stored record and transmitting in accordance with the timestamp in each recorded packet a corresponding transmitted RTP packet including a transmitted RTP timestamp and including payload the same as that of the recorded packet to which that transmitted packet corresponds (page 2, paragraph #0032).

Regarding claim 8, Le discloses a method for compressing header of the RTP packets (Fig. 2) comprising:

taking samples of time-dependent data (terminal 102 of Fig. 2, col. 17, lines 8-24); and

compressing the timestamps of RTP packets whose payloads represent the samples values and whose timestamp represent the times at which the first samples in their respective payloads were taken (local timer 103 of Fig. 2, col. 17, lines 8-24 and col. 29, lines 7-20). However, Le does not specifically disclose the claimed storing a record of the data in a persistent medium as stored RTP packets.

Agraharam et al teaches that RTP packets can be stored and later retrieved on demand (page 2, paragraph #0025).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the capability of storing the RTP packets as taught by

Agraharam et al into Lee's system in order to store the RTP packets and later retrieve on demand.

Regarding claim 9, Agraharam et al teaches the claimed wherein:

the sampled data are audio data (page 2, paragraph #0025); and

the method further includes retrieving the stored RTP and playing the audio data in accordance with the stored packets' RTP timestamps (page 2, paragraph #0032).

Regarding claim 10, Agraharam et al discloses the claimed wherein:

the sampled data are video data (page 2, paragraph #0032); and

the method further includes retrieving the stored RTP packets and playing the video data in accordance with the stored packets' RTP timestamps (page 2, paragraph #0032).

Regarding claim 11, Le discloses the claimed

concurrently with taking the samples of the video data, taking sample of audio data, each second RTP packet including a received RTP payload represent the audio samples' value and whose timestamps represents the times at which the first samples in their respective payloads were taken (terminal 102 of Fig. 2, col. 17, lines 8-24 and col. 30, lines 13-26 and local timer 103 of Fig. 2, col. 17, lines 8-24 and col. 29, lines 7-20); and

Agraharam et al teaches that the second RTP packets can be stored and later retrieved on demand (page 2, paragraph #0025); retrieving the second stored record (page 2, paragraph #0032); and playing the second stored record simultaneously with

the first-mentioned stored record in accordance with the stored timestamps contained in the second stored record (page 2, paragraph #0032).

Regarding claim 12, Agraharam et al teaches the claimed retrieving the stored record and transmitting in accordance with the RTP timestamp in each recorded packet a corresponding transmitted RTP packet including a transmitted RTP timestamp and further including payload that is the same as that of the recorded packet to which that transmitted packet corresponds (page 2, paragraph #0032).

Apparatus claims 13-19 are rejected for the same reasons as discussed in the corresponding method claims 1-7 above.

Apparatus claims 20-24 are rejected for the same reasons as discussed in the corresponding method claims 8-12 above.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai Tran whose telephone number is (703) 305-4725. The examiner can normally be reached on Mon. to Friday, 8:00 AM to 5:30 PM.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTQ

THAI TRAN
PRIMARY EXAMINER